

REMARKS/ARGUMENTS

Responsive to the Office Action dated October 9, 2008, Applicant has filed this Response. Claims 1-9 stand rejected. Claims 1, 7, and 9 were amended to clarify terminology and no new matter was added. Since, claim 9 was cited by the Examiner for informalities, Applicant based the currently amended claim 9 from the Office Action dated November 11, 2007 rather than the Office Action dated July 11, 2008, disregarding any changes shown in the July 11, 2008 Office Action for claim 9. Claims 1-9 are pending for prosecution. Claims 1, 7 and 9 are independent. Applicant respectfully requests reconsideration of the rejected claims.

I. Claim Rejection Under 35 U.S.C. § 112

The Examiner has rejected claims 1-9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 7, and 9 have been amended to include the necessary structure in the claims. Further, claims 1, 7, and 9 have been amended to clarify terminology as requested by the Examiner.

II. Claim Rejection Under 35 U.S.C. § 101

The Examiner has rejected claims 1-9 under 35 U.S.C. § 101 because the claims recite a "system" without structure. Claims 1, 7, and 9 have been amended to include such structure.

III. Claim Rejection Under 35 U.S.C. § 102(b)

Claims 1-9 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 7,216,087, issued to Thompson et al. For the following reasons, Applicant respectfully requests reconsideration and withdrawal of this rejection.

The Office Action asserts that Thompson teaches an automated sales force method and a system for comprehensively managing the sales process or sales persons and sales organizations.

In particular, it was asserted that Thompson teaches a computerized sales process automation system for managing steps of the sales process having a “changeable” nature in complicated sales processes where sales processes can be changed from fixed serial sequences of steps to new strategies, and including recording results of steps in the sales process to determine probably of winning sale based on the completed steps. Specifically, the Examiner asserts that Thompson “teaches a database (Figure 2, 186) including information regarding at least one process (see Column 6, from line 51; and column 8 “The Sales Model”); information regarding a plurality of steps associated with each of the at least one process, the plurality of steps having a sequential order (see column 3, lines 13-33 describing the “typical” serial sales process; column 8 “The Sales Model”; and column 10 from line 18, describing the steps (phases) of the sales cycle; and example at column 12, lines 17-62; see also column 19 from line 12 describing the Sales Manager sales cycle/model builder for building the sales process); information regarding a changeable nature of the plurality of steps (see Abstract; columns 15 from line 37: “Assigning Probabilities”: probability of closing the sale at each phase and with each interaction is a “changeable nature” of the sales process, the probabilities leading to changes in the priority of steps taken by the sales person, and which changes are recorded (column 14, line 17) to reflect new situations); information regarding at least one result associated with each of the plurality of steps (see column 11, from line 62 describing “Interactions” throughout the sales cycle and saving information (column 12, line 14) from those interactions; see also column 13 from line 17 “Information” collected throughout the sales cycle); means for creating at least one deal corresponding to the at least one process (see Figures 1, 12, 14 inter alia, esp. column 19 from line 40, the sales representative creating a new sales process (a deal) through the user interface); means for indicating completion of steps associated with the at least one process corresponding

to the at least one deal (see Figures 1, 12, 14, inter alia; esp. column 19 from line 33 describing sales representative entering responses to questions and resulting new steps based on the results); means for maintaining consistent recording of the plurality of steps upon changing any of the plurality of steps (see sales manager process building interface column 19 from line 12, the stored sales model recording changes to any of the plurality of steps entered by the sales manager in building the sales process model); and means for indicating a next step to be completed based upon the indicated completion of steps (see column 17 from line 35 "Determining Priorities" indicating by opportunity priority which steps of a sales opportunity should be completed next based on probabilities of success from indicated completion of steps earlier in the process)."

The primary distinction between Thompson and the present invention is that Thompson describes a system that has fixed steps in the sales process that have configurable and changable probabilities associated with them, but the present invention allows an arbitrary sales process to be represented, with movement between the steps not limited by the structure imposed by the Thompson system, but rather the structure desired by the user of the present application. Further, the present application allows the forward or backward movement through the sales cycle as necessary, and it even allows the sales process to change with a sales deal already in process. Thus, Thompson describes a system that solves a different sales automation problem.

Specifically, with respect to claim 1, Thompson does not *provide information regarding an ability to modify the plurality of steps* as claimed in amended claim 1. In the cited areas of Thompson, the only changing aspects are the probabilities assigned to each step and the expected interactions to happen on those steps, but the steps themselves are fixed. This is contrasted with the present application where new steps unrelated to *probe, prove, or close* can be supplied. The steps of the present application are allowed to move in either direction (i.e., toward completion

or backwards away from completion) and even allowing a sales deal to continue through a process that has subsequently changed unrelated to the current sales deal. Hence, what Thompson and the present application describe with their changeable nature or ability to modify is distinct because of what is covered by "changeable." See figure 7 in the present application to differentiate "changeable" from Thompson. Figure 7 shows *complete step*, *edit current step*, *edit previous step*, and *undo step*. As can be seen here, the present application allows a wide variety of change to the collected data, including modification of prior steps in the process. Thompson does not allow such change. Similarly, figure 3 of the present application describes how the entire set of steps in the system can be (in fact, must be upon initialization) created to represent the variety of steps that exist in the desired sales process and not in the *probe, prove, or close* model described by Thompson.

This lack of Thompson's degree of changeability or ability to modify is further demonstrated in the subsequent Examiner statements around *means for creating at least one deal corresponding to the at least one process*. Here the Examiner points to Thompson's user interface and how a sales person enters the data associated with a sales deal. However, the deal that is created is created in the context of the fixed sales process of *probe, prove, or close*. In the present application there is explicit coverage of any arbitrary sales process that the system should be configured to support and not simply within the fixed process of *probe, prove, and close* defined by Thompson, even if Thompson describes a variable number of customer interaction points for those steps.

Further on claim 1, when the Examiner cites Thompson's *means for maintaining consistent recording of the plurality of steps upon changing any of the plurality of steps*, it is urged that the implications of what is contained in the language of this portion of the claim is not

fully appreciated. This claim portion describes the case where: (1) an arbitrary sales process has been defined, (2) a sales deal has progressed part way through this process (but not completed), and (3) the sales process itself changes. In this scenario, the data model must maintain accurate tracking of the prior process and the current process for the sales deal that had started in the prior model. Thompson does not describe this level of consistent recording, nor this level of change, nor the underlying data models and structures necessary to manifest proper recording. Claim 1, as amended, further clarifies this distinction. Thompson does not teach a means for recording the modification of steps or the modification of the process if a modification in the steps occurs.

Finally, when the Examiner cites the final section of claim 1, *means for indicating a next step to be completed based upon the indicated completion of steps*, the Examiner mischaracterizes what Thompson describes. The cited areas of Thompson describe how a sales person can work on multiple deals simultaneously and the system aids the sales person in prioritizing which deal to work on at any given time by the likelihood of closing that deal. However, that is not what the cited section of claim 1 describes. Thompson teaches many steps in the process (see figure 5, items 401-409) but there is no description in Thompson for skipping steps or moving backwards in the process. Hence, the current application covers much greater control in *means for indication a next step to be completed* than anything referenced in Thompson.

In regards to the claim 2 rejections, it must be noted that claim 2 is dependent upon claim 1 and hence inherits those limitations, and as described above, Thompson does not include all the limitations described in claim 1. Further, as noted previously, Thompson does not solve quite the same problem as the present application; hence, there is no direct need in Thompson to

indicate the completion of steps in quite the same way. There is no specific citations within Thompson to match the current application.

In regards to claim 3, the Examiner asserts that columns 21 and 22 describe how Thompson allows data entry regarding any of the *probe, prove, close* trio to help identify the appropriate likelihood of closing. However, this is distinct from an arbitrary step/stage based sales model or sales system as described in the present application. Specifically, managing a sales process *wherein the next step may be any step in the sequential order of the plurality of steps* indicates that there are distinct steps that may be moved between that are not necessarily (see reliance on claim 1) part of the *probe, prove, close* trio that Thompson exclusively relies upon.

In regards to the Examiner's assertions regarding claim 4, it is respectfully urged that that same is not part of what Thompson's teaches. Specifically, the circled X in the user interface in figure 12 does not suggest the *means for removing the indication that the step has been completed*. Rather, as in all common user interfaces, the X is an icon for closing that screen of the application without saving any information entered thus far. The Examiner continues along this vein to read into Thompson the ability to make such changes to the data and also allow the user to specify the next step, when it would be more likely that Thompson simply lets the user re-enter the screen from which they chose to cancel and that there is no special aspect of Thompson to specify the next step.

Thompson does not cover all of the points of claim 1, therefore claim 5 must also be unique.

Claim 6 also describes art that is beyond Thompson. While Thompson does allow some configuration of the sales process and allows entering of data regarding the sales process in the

referenced areas of Thompson, Thompson does not cover the extent of change of the process, nor the analysis of completeness of arbitrary steps. As shown in the extent of change possible in the current application (see response to claim 1), the current application supports a complexity of sales process well beyond anything that Thompson has considered. As such, there is no aspect of Thompson that considers that the sales process can change once a deal is in progress, nor that in such a scenario that the deal, sales process, and system must be checked for integrity upon such a change.

For the same reasons that the Examiner superficially dismisses claims 7, 8, and 9, we respectfully offer that these claims are similarly unique to the earlier claims 1-6. Therefore, because Thompson fails to teach each and every element of Claims 1-9, Thompson cannot anticipate the invention as claimed.

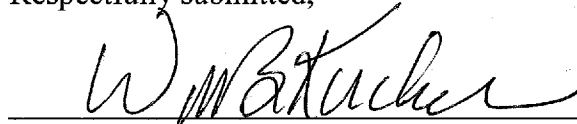
Applicant respectfully submits the claims are in condition for formal allowance which is courteously solicited. If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Should any fees be necessitated by this response, the Commissioner is hereby authorized to deduct such fees from Deposit Account No. 11-0160.

Date:

2/9/2009

Respectfully submitted,



William B. Kircher
Reg. No. 22,481
Husch Blackwell Sanders LLP
4801 Main St., Suite 1000
Kansas City, MO 64112
816-983-8000

ATTORNEYS FOR APPLICANT